



United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

MEMORANDUM

From: Hon. Caryl E. Delano
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: June 10, 2016

The Bankruptcy Judges of the Middle District of Florida have approved the following new and amended Local Rules, effective July 1, 2016. A brief summary of the revisions is set forth below. However, the new and amended Local Rules should be reviewed in their entirety.

L.R. 1001-1 Scope of Rules; Short Title

Amendment includes a revision to section (b) that is consistent with the 2015 amendment to Fed. R. Civ. P. 1 and new section (c), which incorporates the provisions regarding sanctions for failure to comply with the Local Rules set forth in abrogated Local Rule 9011-3 Sanctions.

L.R. 1001-2 Case Management and Electronic Case Filing System – CM/ECF

Amendment incorporates the provisions regarding the signature of papers filed via CM/ECF set forth in abrogated Local Rule 9011-4 Signatures. The amendment also cross-references Local Rule 5005-4 Sealed Papers.

L.R. 2004-1 Examination of Debtor and Others

Amendment clarifies that parties shall schedule examinations under Fed. R. Bankr. P. 2004 by notice rather than by motion.

L.R. 2090-1 Attorneys – Admission to Practice

Amendment clarifies the procedure to be followed by attorneys who wish to appear before the Court but who are not admitted to practice in the Middle District of Florida. The amendment also instructs counsel that the District Court requires a filing fee to be paid for special admission to practice.

L.R. 2090-2 Attorneys – Discipline

Amendment clarifies the procedures to be used when an attorney admitted to practice before the Court, either generally or specially, is disbarred or suspended from practice by the Supreme Court of Florida or another court.

L.R. 2091-1 Attorneys – Duties of Debtor’s Counsel

Amendment renumbers the rule from 9011-1 to 2091-1 and revises the title of the rule to indicate that the rule applies to debtors’ counsel.

L.R. 2091-2 Attorneys – Withdrawals and Substitutions

Amendment renumbers the rule from 2091-1 to 2091-2 and clarifies that motions for leave to withdraw shall be filed using the negative notice procedures of Local Rule 2004-2.

L.R. 3002-1 Time for Filing Proofs of Claim in Reinstated Cases

Amendment extends the deadlines for filing proofs of claim in reinstated cases from 28 to 60 days and is now applicable to cases filed under all chapters.

L.R. 3020-1 Chapter 11 – Confirmation

Amendment requires orders confirming plans in Chapter 11 cases to include a summary of the timing and amount of payments to be made to each class of creditors under the plan. The amendment also changes the deadline from 30 days to 60 days for filing any adversary proceeding or contested matter contemplated by the Chapter 11 plan and any objection to claim.

L.R. 5005-4 Sealed Papers

Amendment conforms the rule to current practice as set forth in the Procedure for Filing Papers under Seal adopted by the Court on June 11, 2015.

L.R. 5073-1 Photographs; Broadcasting or Televising; Use of Computers and Communication Devices

Amendment brings the rule current with Court practices.

L.R. 7001-1 Adversary Proceedings – Procedures

New rule incorporating the provisions of archived Administrative Order FLMB-2014-1 “Administrative Order Prescribing Procedures for Adversary Proceedings.” In addition, section (f)(4) regarding pretrial disclosures is now consistent with Fed. R. Civ. P. 26(f). The rule also clarifies the requirement that motions in adversary proceedings be filed and served using the negative notice procedures of Local Rule 2002-4.

L.R. 7026-1 Discovery – General

This amendment refers parties, in section (a), to Local Rule 7001-1 Adversary Proceedings – Procedures for issues relating to discovery. The amendment also clarifies that, absent order of the Court otherwise, the conference and reporting requirements of Fed. R. Civ. P. 26 do not apply to contested matters. Former section (c) regarding the depositions of non-resident parties has migrated to Rule 7030-1 Depositions upon Oral Examination.

L.R. 7030-1 Depositions upon Oral Examination

Section (b) of this amendment incorporates former section (c) of Local Rule 7026-1 Discovery – General regarding the location of depositions of non-resident parties. The definition of “non-resident” has been changed from “a person residing outside the State of Florida” to “a person residing outside the Middle District of Florida.”

In addition, a number of Local Rules will be abrogated effective July 1, 2016, as they have been superseded by current CM/ECF practice or incorporated by newly promulgated or amended rules. Those rules are as follows:

L.R. 7054-1 Costs – Taxation/Payment; Attorney’s Fees

Duplicative of Fed. R. Civ. P. 54 and Fed. R. Bankr. P. 7054.

L.R. 7067-1 Registry Fund

Duplicative of Fed. R. Bankr. P. 7067 and 28 U.S.C. § 2042.

L.R. 9011-3 Sanctions

Migrated to Local Rule 1001-1 Scope of Rules; Short Title.

L.R. 9011-4 Signatures

Migrated to Local Rule 1001-2 Case Management and Electronic Case Filing System -- CM/ECF.

L.R. 9014-2 General Provisions Regarding Discovery – Contested Matters

Certain provisions incorporated into Local Rule 7026-1 Discovery -- General.

The Bankruptcy Judges would like to thank the members of the Local Rules Lawyers’ Advisory Committee for their assistance. The members are Donald Kirk, Esq., Chair, Gregory Champeau, Esq., Betsy Cox, Esq., Lara Fernandez, Esq., Raymond Waguespack, and Richard Webber, Esq.

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